

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LINDA DOWNER,

Plaintiff,

Case No. 11-15572

v.

Hon. John Corbett O'Meara

HEYS DENTAL, PLLC, *et al.*,

Defendants.

ORDER OF PARTIAL DISMISSAL

On December 20, 2011, Plaintiff filed her complaint alleging the following causes of action: Count I, Age Discrimination in Employment Act; Count II, age discrimination under the Elliott-Larsen Civil Rights Act; Count III, sexual harassment under Title VII of the Civil Rights Act of 1964; Count IV, sexual harassment under the Elliott-Larsen Civil Rights Act; Count V, Americans with Disabilities Act; Count VI, Michigan Persons with Disabilities Civil Rights Act; Count VII, retaliation under state and federal law; and Count VIII, retaliation under the Elliott-Larsen Civil Rights Act. Plaintiff does not allege diversity jurisdiction.

Although Count I, III, V, and VII are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Counts II, IV, VI, VII (to the extent it is

based on state law) and VIII of Plaintiff's complaint are DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: January 27, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, January 27, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager